

**REMARKS**

Claims 1-19 are all the claims pending in the application. Claims 1-4, 6-9, and 11-13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Bui et al. (US 6,791,781). Claims 5 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bui et al. in view of Cates et al. (U.S. 5,963,400). Claims 14-16 stand rejected as being unpatentable over Bui et al. view of Murphy et al. (US 6,433,949). Claims 17-19 stand rejected as being unpatentable over Bui et al. in view of Fasen et al. (US 6,031,673). Claims 11 and 13 have been amended, and Applicant as added new claims 20-26.

Applicants thank the Examiner for acknowledging the claim for priority under 35 U.S.C. § 119, and receipt of the certified copy of the priority document submitted.

Applicants thank the Examiner for considering the references cited with the Information Disclosure Statement filed April 14, 2004.

Applicants thank the Examiner for indicating that the Formal Drawings filed April 14, 2004 are accepted.

**§102(e) Rejections**

1. *Claims 1-4, 6-9, and 11-13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Bui et al. (US 6,791,781). Applicant respectfully traverses the rejection.*

Claim 1 recites that “data is embedded in a servo signal written on one of the servo bands, and the data for specifying the servo band where the servo signal positions.” Bui teaches that data for specifying the servo band where the servo signal positions requires data embedded in two servo bands. See Bui, column 7, line 62 to column 8, line 2. While Bui does disclose that

data is embedded in each of five servo bands, it is necessary for two bands to be read simultaneously to specify where the servo signal positions. Reading two bands is not the claimed invention in claim 1. Since Bui does not disclose all aspects of the claimed invention, it cannot anticipate the invention. Claim 1 is allowable.

Claims 2-4 are allowable at least by virtue of their dependency on claim 1.

Claim 3 is also allowable as it recites “the data is embedded in the servo signal by varying a width of a pair of nonparallel stripes.” Bui fails to teach the varying a width of a pair of nonparallel stripes. Figure 8 of the present invention shows pairs of nonparallel stripes that are substantially wider than the other surrounding servo marks. Bui only teaches the servo bands being one width. See FIG. 3-6. Therefore, claim 3 is allowable.

Claim 6 recites a method claim, one step of which states “reading data that is embedded in a servo signal written on one of the servo bands for specifying the servo band where the servo signal positions”. The Examiner argues that claim 6 is anticipated because it is a method claim of using the apparatus as claimed in claim 1. As noted above, Bui does not disclose the reading the data that is embedded in a servo signal written on *one* of the servo bands for specifying the servo band where the servo signal positions; Bui discloses reading two servo bands. Claim 6 is allowable as Bui does not anticipate the current invention.

Claims 7-9 and 11 are allowable at least by virtue of their dependency on claim 6. Claim 11 is also allowable as it recites “specifying the servo band is carried out only by reading one servo band.” Bui’s teachings require two servo bands used simultaneously to provide increased accuracy. Bui does not anticipate claim 11, and for this reason, claim 11 is allowable.

Claim 12 is allowable for reasons similar to claims 1 and 6. The apparatus in claim 1 includes a servo read head for reading a servo signal written on *one* of the servo bands. As noted, Bui recites an apparatus that requires *two* servo bands to be read. Bui does not anticipate claim 12, and claim 12 is allowable.

Claim 13 is allowable at least by virtue of its dependency on claim 12. Claim 13 is also allowable for the same reasons as claim 11.

**§103 Rejections**

2. *Claims 5 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bui et al. in view of Cates et al. (U.S. 5,963,400).* Applicant respectfully traverses the rejection. Since claims 5 and 10 depend upon claim 1 or 6 and since Cates does not cure the deficient teachings of Bui with respect to claims 1 and 6, Applicant submits that claims 5 and 10 are allowable at least by virtue of their dependency.

3. *Claims 14-16 are rejected as being unpatentable over Bui et al. view of Murphy et al. (US 6,433,949).* Applicant respectfully traverses the rejection. Since claims 14-16 depend upon claim 1 and since Murphy does not cure the deficient teachings of Bui with respect to claim 1, Applicant submits that claims 14-16 are allowable at least by virtue of their dependency.

4. *Claims 17-19 are rejected as being unpatentable over Bui et al. in view of Fasen et al. (US 6,031,673).* Applicant respectfully traverses the rejection. Since claims 17-19 depend upon claim 1 and since Fasen does not cure the deficient teachings of Bui with respect to claim 1, Applicant submits that claims 17-19 are allowable at least by virtue of their dependency.

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Application No. 10/823,675

Attorney Docket No. Q80547

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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